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March 08, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF LANDSCAPE MAINTENANCE SERVICES AGREEMENT
AMENDMENT FOR HIGH DESERT MULTI-SERVICE AMBULATORY CARE
CENTER
(5th SUPERVISORIAL DISTRICT)
(3 VOTES)**

SUBJECT

Request approval to extend the term of Agreement with Desert Haven Enterprises, Inc. for the continued provision of landscape maintenance services at High Desert Multi-Services Ambulatory Care Center to provide additional time to complete solicitation.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the Director of Health Services (Director), or his designee, to execute Amendment No. 5 to Agreement No. H-700234 (Agreement) with Desert Haven Enterprises, Inc. (Desert Haven), effective upon Board approval, for the period April 1, 2011 through September 30, 2011, for the continued provision of landscape maintenance services at High Desert Multi-Service Ambulatory Care Center (HD MACC), at the current rates listed in the Agreement, with a maximum County obligation of \$68,130 for the six-month term.

2. Delegate authority to the Director, or his designee, to further amend this Agreement to extend the term on a month-to-month basis, for a maximum of three months, effective October 1, 2011 through December 31, 2011, at a maximum cost of \$34,065.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the first recommendation will allow the Director, or his designee, to execute an amendment, substantially similar to Exhibit I, for the continued provision of landscape maintenance services at HD MACC. The current Agreement expires on March 31, 2011. The recommended extension is necessary so the Department of Health Services (DHS or Department) can complete a Proposition (Prop) A compliant Request for Proposals (RFP) process. DHS has not been able to complete the solicitation process during the current Agreement term, as previously planned, due to the loss of three Contracts and Grants staff, including the staff working on this specific solicitation.

Approval of the second recommendation will authorize the Director to exercise the option to extend the term of the Agreement for up to three months, in the event the RFP process is not complete.

Implementation of Strategic Plan Goals

The recommended actions support Goal 4, Health and Mental Health, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

The Contractor's rates will remain the same for the six month extension period. The total maximum County obligation for routine services is \$64,620 and \$3,510 for unscheduled seasonal landscape services, for a total maximum obligation of \$68,130 for the six month extension.

Funding is included in the DHS Fiscal Year (FY) 2010-11 Final Budget and will be requested in future fiscal years.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

DHS has contracted with Desert Haven for landscape maintenance services for many years under the authority of two Welfare & Institutions (W&I) Code Sections. W&I Code Section 19403 encourages governments to purchase services provided by private non-profit California corporations operating workshops serving individuals with disabilities whenever it is feasible to do so and Section 19404 authorizes governmental units, including counties, to purchase services from private or non-profit corporations which operate workshops for persons with disabilities without requiring advertising or calling for bids, provided the services meet the specifications and needs of the purchasing agency and are purchased at a fair market price. Desert Haven, founded in 1954, is a private non-profit agency that develops, enhances, and promotes the capabilities of persons with developmental disabilities. Desert Haven provides training and community employment services for these individuals in the Antelope Valley and has provided landscape maintenance services at High Desert since 1981.

On March 3, 2004, your Board made a finding that the landscape maintenance services at HD MACC (formerly High Desert Health System), continued to be performed at fair market value in accordance with W&I Code, Section 19404, and approved the current Agreement with Desert Haven,

through August 31, 2009.

On August 11, 2009, your Board allowed DHS to extend this Agreement for a period of nine months, through June 30, 2010, to allow the Department sufficient time to re-examine service levels and update the Agreement's Statement of Work to meet the needs of HD MACC. During this review, DHS determined that Desert Haven did not meet one of the seven requirements of W&I Code Section 19404, which relates to the make-up of its Board of Directors. In order to meet the requirement Desert Haven's Articles of Incorporation would have to be revised. The Board of Directors of Desert Haven determined that it was not in its best interest to revise its Articles, leaving DHS with no option but to conduct a competitive Prop A-compliant RFP. However, DHS did determine that Desert Haven's non-compliance did not impede the performance or quality of services it performed at HD MACC. Therefore, on June 15, 2010, your Board authorized DHS to extend this Agreement for nine months, through March 31, 2011, to allow the Department time to conduct the RFP.

DHS expects to release the RFP for Landscape Maintenance Services at HD MACC before the end of this month, and anticipates returning to your Board in the fall to recommend approval of a replacement Agreement.

Routine landscape maintenance services include the maintenance of turf, flower beds, ground cover, shrubs, edging, the operation and maintenance of irrigation systems, weed control, and hazard reduction pruning. Unscheduled work includes, but is not limited to, aerification, fertilization, tree maintenance, pest, and rodent control. Desert Haven has continued to provide high quality landscape maintenance services and DHS believes the Desert Haven program provides a valuable role in the Antelope Valley community.

The Agreement contains your Board's required contract provisions. The County may terminate for convenience upon a 30-day advance notice to the Contractor.

County Counsel has approved Exhibit I as to use and form.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Board approval of the recommended amendment will ensure the continued provision of landscape maintenance services at HD MACC.

The Honorable Board of Supervisors

3/8/2011

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell Katz". The signature is written in a cursive, flowing style.

Mitchell H. Katz, M.D.

Director

MHK:jca

Enclosures

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors